The background papers on the candidate national program priorities are intended to initiate further discussion. When priorities are selected more detailed strategies with in-depth background information, numerical targets, schedules, milestones and performance measures will be developed.

Proposed Tribal Priority for Drinking Water and Waste Management

The proposed priority focuses on Indian country and other tribal areas in order to address significant human health and environmental problems associated with drinking water and waste management. The proposed priority will also address adjacent noncomplying facilities impacting Indian country and tribal areas, including those in Alaska. (EPA is also proposing a priority for Safe Drinking Water Act contaminant violations with acute health effects, including microbial rules and nitrate requirements.)

Universe and Types of Facilities

Public Water Systems (PWSs), defined at 40 Code of Federal Regulations (CFR) §l41.2, are identified under the North American Industry Classification System (NAICS) 4941 and may also be located at facilities identified under other NAICS if the facility produces drinking water onsite. Disposal facilities subject to 40 CFR §§257 and 258 are identified under NAICS codes 562111, 562119, 562212, 56222, and may also be located under other NAICS codes or under no NAICS.

The EPA Safe Drinking Water Information System/Federal (SDWIS/FED) database currently maintains an inventory of approximately 972 active public water systems in Indian country. There are approximately 2,800 active underground storage tanks in Indian country. There are approximately 3,000 illegal dumps in Indian country, 8 treatment storage and disposal facilities, 91 large quantity hazardous waste generators, more than 339 conditionally exempt small quantity hazardous waste generators, and more than 450 small quantity hazardous waste generators in Indian country.

Geographic Range

National. There are 562 federally recognized Indian tribes in the United States; there are no tribes in the area covered by EPA Region 3 (Delaware, Maryland, Pennsylvania, Virginia, Washington, D.C., and West Virginia). Collectively, these tribes are responsible for 77 million acres of land covering 4.1 million tribal members. All water systems are potentially affected by contamination whether through non-compliance at public water systems or contamination of groundwater or source water. Almost every tribe owns or operates a public water system and is responsible for managing solid waste.

Environmental Risks

Native Americans, especially children, the elderly, and persons with compromised immune systems, can suffer severe and immediate health affects from drinking water which does not meet National Primary Drinking Water Regulations (NPDWRs) of the Safe Drinking Water Act. Bacteria, protozoans and viruses are all pathogens of concern. Microbial contamination can be

present in source water (surface water, ground water, or purchased finished water), can be introduced by unsanitary conditions at treatment facilities, or can enter the drinking water delivery infrastructure through infiltration or cross-connections. Adverse health effects of microbiological contaminants can include, fever, jaundice, pneumonia, vomiting, diarrhea, dehydration, and death.

Improper solid waste management practices in Indian country and tribal areas in Alaska are widespread and include illegal dumping of household waste and household hazardous waste and backyard burning of household waste. Due to changes in the types and volumes of waste generated, improper waste management threatens human health and the environment through an increased incidence of disease, food and drinking water contamination, and air pollution. Addressing solid waste management will also benefit Native Americans dependent upon fish and game for subsistence living and facilitate protection of traditional hunting, fishing, and gathering capabilities. Open dumps can attract young children who may be hurt by sharp objects or hazardous material in the dump or injured through contact with toxic materials or contagious pathogens. In addition, unregulated solid waste activities can contaminate groundwater and surface water with hazardous or toxic substances, including leaking lead acid batteries, used oil, solvents, pesticides, and herbicides.

Noncompliance Information

In calendar year 2001, 92 health-based violations in Indian country were reported to SDWIS/FED. The Maximum Contaminant Level for the Total Coliform Rule was the health-based standard most frequently violated in Indian country. Of the 1,185 violations reported to SDWIS/FED in 2001, 983 (83%) were significant violations of monitoring and reporting requirements in Indian country. If a system did not monitor the quality of its water, it is impossible to know if it has violated health-based requirements.

EPA estimates that there are more than 1,400 open dumps that are out of compliance in Indian country and tribal areas; of which over 150 pose a significant threat to human health and the environment. 24 percent of tribes indicate that open dumps are their primary method of waste disposal. 16 percent of tribes indicate that burn barrels are their primary method of disposal. 35 percent tribes state that recycling is the last or next to last disposal option. Underground Storage tanks in Indian country have significant operational non-compliance rates – approximately 5-11 percent below national average. Over 44 percent of tribes have no waste management program at all.